



POLICE DEPARTMENT

January 18, 2012

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Scott Longmaid
Tax Registry No. 931792
Transit Borough Manhattan Task Force
Disciplinary Case No. 2010-2347

The above-named member of the Department appeared before the Court on November 2, 2011, charged with the following:

1. Said Police Officer Scott Longmaid, while on duty and assigned to the Transit Manhattan Task Force, on or about March 12, 2009, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer, while transporting prisoners, in a Department van, to Transit District 4, did take arrest paperwork out of the hands of Police Officer Herbert Medina, Tax No. 943560, and throw said arrest paperwork out of the window of said Department van. *(As amended)*

P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT – PROHIBITED CONDUCT GENERAL REGULATIONS

2. Said Police Officer Scott Longmaid, while on duty and assigned to the Transit Bureau Manhattan Task Force, on or about March 9, 2009, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer was discourteous to on-duty New York City Police Sergeant Person A, Tax No. [REDACTED], in that said Police Officer did address said Sergeant by his surname only, without regard for said Sergeant's rank. *(As amended)*

P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT PROHIBITED CONDUCT GENERAL REGULATIONS

P.G. 203-09, Page 1, Paragraph 2 PUBLIC CONTACT GENERAL GENERAL REGULATIONS

3. Said Police Officer Scott Longmaid, while on-duty and assigned to the Transit Bureau Manhattan Task Force, on or about January 7, 2009, did wrongfully engage in conduct

prejudicial to the good order, efficiency or discipline of the Department in that said Police Officer did wrongfully tell Police Officer Jian Ping Zeng, Tax No. 942743, that his overtime had been canceled, resulting in Police Officer Zeng reporting late for his overtime assignment and not getting compensated for the full overtime tour. *(As amended)*

P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT PROHIBITED CONDUCT
GENERAL REGULATIONS

4. Said Police Officer Scott Longmaid, while on-duty and assigned to the Transit Bureau Manhattan Task Force, on or about and between March 10, 2009 and March 12, 2009, did fail and neglect to make proper entries in his memo book. *(As amended)*

P.G. 212-08, Page 1 ACTIVITY LOGS – COMMAND OPERATIONS

5. Said Police Officer Scott Longmaid, while assigned as indicated in Specification No. 1, while on-duty, on or about March 19, 2009, did fail and neglect to sign the return roll call at the end of his tour of duty, as required.

P.G. 206-03, Page 1, Paragraph 7 – VIOLATIONS SUBJECT TO COMMAND
DISCIPLINES

6. Said Police Officer Scott Longmaid, while on-duty and assigned to the Transit Bureau Manhattan Task Force, on or about October 27, 2009, did fail to make a scheduled court appearance regarding a transit summons. *(As amended)*

P.G. 206-03, Page 1, Paragraphs 1 & 25 VIOLATIONS SUBJECT TO COMMAND
DISCIPLINE
DISCIPLINARY MATTERS

P.G. 203-03, Page 1, Paragraph 3 COMPLIANCE WITH ORDERS
GENERAL REGULATIONS

7. Said Police Officer Scott Longmaid, while on-duty and assigned to the Transit Bureau Manhattan Task Force, on or about March 12, 2009, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer was discourteous to on-duty New York City Police Sergeant Person A, Tax No. [REDACTED], in that said Police Officer did address said Sergeant by his surname only, without regard for said Sergeant's rank and then in a loud voice demand that he be given an overtime assignment to which he was not entitled. *(As amended)*

P.G. 203 10, Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED CONDUCT
GENERAL REGULATIONS

P.G. 203 09, Page 1, Paragraph 2 PUBLIC CONTACT – GENERAL
GENERAL REGULATIONS

The Department was represented by Pamela Naples, Esq., Department Advocate's Office. Respondent was represented by John Tynan, Esq., Worth, Longworth & London LLP.

The Department moved to dismiss Specification No. 5. Respondent, through his counsel, entered a plea of Guilty to the remaining charges and testified in mitigation of the penalty. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent, having pleaded Guilty to Specification Nos. 1-4, 6 and 7, is found Guilty. Specification No. 5 is dismissed.

SUMMARY OF EVIDENCE IN MITIGATION

Respondent, a nine-year member of the Department, was assigned to the Transit Borough Manhattan Task Force. He had worked there since January 2003. He worked with now-retired Sergeant Person A, then an administrative sergeant at the task force. Respondent urged, however, "He was never my supervisor." Respondent testified that Person A was hostile to him on several occasions, verbally abusive toward him, and reduced his overtime. Respondent talked to his union delegates about filing an Equal Employment Opportunity (EEO) complaint. The delegates also met with Person A about the matter. Because the situation did not improve, Respondent ultimately filed an EEO complaint in the middle of March 2009.

Respondent's Exhibit A was a copy of a letter, dated April 15, 2010, sent by the Office of Equal Employment Opportunity (OEEO) to Respondent, explaining the results of the EEO investigation. It noted that Respondent's allegation of retaliation by Person A was unfounded.

OEEO found, however, that Person A had spoken in a manner inconsistent with courtesy, professionalism and respect. It was directed that Person A receive a Supervisor's Complaint Report for a Schedule "B" violation and that he attend professionalism in the workplace training. At the mitigation hearing, the Department averred that this violation related to a different matter in which Person A was talking to two other sergeants.

On March 12, 2009, Respondent was transporting prisoners in a Department van with three other officers, including Police Officer Herbert Medina. At one point, Respondent asked Medina to see the arrest paperwork. Medina took the paperwork out of his book bag and handed it to Respondent. When Respondent went to grab the paperwork, Medina playfully pulled it away and smiled. Once Respondent was able to take the papers out of Medina's hand, Medina attempted to grab them back. To prevent Medina from taking the papers away, Respondent flung them to the right. He did not realize that the van's back window was open, and the papers flew outside. He explained that the window had approximately a two-inch opening at its bottom.

While back at the command later that day, Respondent had an encounter with Person A. Respondent explained that in the morning, Person A had asked for a volunteer to do overtime on a bag-checking assignment (i.e., random checks of passengers' bags at subway entrances). Out of the four officers standing at roll call, Respondent was the only one to volunteer. He subsequently learned that the overtime had, nevertheless, been assigned to Medina instead. Because Medina did not want to do the overtime, Respondent went to Person A's office to volunteer again for the overtime assignment. As soon as Respondent started to address Person A stopped him and asked, "What did you call me?" Respondent, with a confused look, told Person A that he did not know what he called him. Person A informed Respondent that he had called him "Person A" instead of "Sergeant Person A." At that point, Respondent apologized and moved

onto the matter of the overtime. Respondent conceded, "It looks like I may have just used his surname."

A week later, Person A reviewed Respondent's Activity Log and found that Respondent had failed to make adequate entries for the period of March 10 through March 12, 2009. Respondent agreed that he was required to maintain his Activity Log at all times.

When Respondent was required to appear in court, he was notified by the command's administrative staff. Although he had been notified approximately a month beforehand that he had a summons appearance date on October 27, 2009, he forgot to report to court on that day. The summons was for turnstile jumping.

On January 7, 2009, Respondent spoke with his partner, Police Officer Jian Ping Zeng, about an overtime notification that Zeng had received. Respondent asserted that Police Officer Marie Pratts, a member of the command's administrative staff, told him that Zeng's overtime had been canceled. Later that day, Zeng was complaining that he had a long weekend coming up. Respondent told Zeng of the cancellation because they were friends. As it turned out, the information he gave Zeng was mistaken. Respondent conceded that he did not have the authority to give Zeng this information.

Respondent conceded that he again referred to Person A only by his surname on March 9, 2009. He did not recall the details of this incident, and he explained that he probably failed to use Person A's rank just because he was not paying attention. He did not normally refer to supervisors in this manner. To his knowledge, he had never referred to any other supervisor in this way.

On cross-examination, Respondent agreed that he was one of the highest overtime earners in the command. Person A told Respondent that he had more than enough overtime and

that Person A was going to distribute overtime assignments more evenly. In January 2009, Respondent was not responsible for making notifications or scheduling overtime.

Respondent testified that there were two or three prisoners in the van on March 12, 2009. He conceded that his "playing around" conduct on that day was inappropriate in front of the prisoners and other members of the service. He did not attempt to retrieve the paperwork that went out the window, as the van was moving too quickly. He did not notify anybody in the van that the paperwork had flown out the window and needed to be retrieved.

Respondent forgot to make Activity Log entries for March 11 and 12, 2009. He agreed that that was not the proper way to maintain his Activity Log.

Respondent asserted that if he did not report for a summons appearance date, it would be rescheduled for another day. Only if he failed to report on several occasions would the matter be dismissed. Respondent was not called subsequently about the summons he did not appear on. He did not know if that case was dismissed or handled in another way.

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See Matter of Pell v. Board of Education, 34 N.Y.2d 222 (1974). Respondent was appointed to the Department on July 22, 2002. Information from his personnel file that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has pleaded Guilty to a variety of disciplinary offenses. Many of these arose from problems Respondent had with Sergeant Person A. These came to a head in the period of January through March of 2009. Respondent was one of the top overtime earners in the command. Person A, an administrative sergeant, was trying to distribute overtime assignments

more fairly. The most serious incident between them occurred on March 12, 2009, when Respondent learned that another officer, Medina, had been given an overtime assignment for which Respondent had volunteered. Respondent approached Person A and addressed him by his surname, without using his rank. Respondent referred to Person A this way on March 9, 2009, as well, although it was not necessarily about overtime. The next week, Person A checked Respondent's Activity Log entries and found them to be deficient.

Another incident with Medina happened to occur on March 12, 2009, the same day Respondent confronted Person A about giving the overtime assignment to Medina. Respondent and Medina were transporting prisoners in a van. The Department alleged that Respondent grabbed Medina's arrest paperwork and threw it out the window. Respondent claimed that he and Medina were playing around. He asked to see Medina's paperwork so he could begin arrest processing, but Medina pulled it back. When Respondent grabbed it, he flung his hand to the right and the papers flew out the window. No explanation was offered for how such a defenestration occurred through a two-inch opening at the bottom of the window.

Previously, on January 7, 2009, Respondent had told Police Officer Zeng that Zeng's overtime assignment had been cancelled. Respondent claimed that he was told by the administrative staff about the cancellation and let Zeng know that he did not have to do the overtime. According to Respondent, either he was mistaken, or the information he received was wrong, because Zeng's assignment had not been cancelled. Zeng missed it and did not receive the overtime pay.

Respondent also admitted that on October 27, 2009, he missed a Transit Adjudication Bureau summons appearance. He claimed not to know whether this led to the summons being dismissed.

The Department recommended a penalty of the forfeiture of 35 vacation days and placement on one year of dismissal probation.

Viewed individually, these might be seen as relatively minor infractions. A larger pattern of misconduct emerged at the hearing, however. The evidence demonstrated that Respondent had quite a problem with the fact that Person A, a supervisor, was making supervisory decisions. An administrative sergeant is expected to assign members in a fair and even way. Respondent, one of the top overtime earners in the command, apparently was unhappy that he was not getting still more overtime, and blamed Person A for it. His anger at Person A twice resulted in calling the sergeant only by his last name in a disrespectful manner. On one of the occasions, even when told by Person A that he had acted discourteously, Respondent still hectored him about overtime. There was no evidence that Person A engaged in invidious discrimination against Respondent.

This coincided temporally with other improper behavior by Respondent. He threw another member's paperwork out of the window of a moving prisoner van. This other member just happened to be the same individual to whom, Respondent learned that same day, an overtime assignment had been given. Respondent had volunteered for this assignment. A couple of months before, Respondent inaccurately told a third officer that his overtime assignment had been cancelled. Again, it was a supposed coincidence that this act was related to someone else getting an overtime assignment. These kinds of actions could have had real impacts on the private lives of arrestee or complainant citizens, and the incomes of members of the Department.

Respondent has demonstrated that he has a problem giving proper attention to the paramilitary demands of the Department. Moreover, his "belligerent and discourteous behavior bespeaks of an insubordinate and disingenuous demeanor which is unacceptable within our para military organization," see Case No. 81635/06, Aug. 23, 2007.

Accordingly, the Court recommends that Respondent be *DISMISSED* from the New York City Police Department, but that his dismissal be held in abeyance for a period of one year, pursuant to Section 14-115 (d) of the Administrative Code of the City of New York, during which time he is to remain on the force at the Police Commissioner's discretion and may be terminated at any time without further proceedings. The Court further recommends that Respondent forfeit 30 vacation days. See Case No. 83155/07 et al., June 21, 2010 (member with one prior adjudication for coming to work drunk and lying about it received 30 days and one year of dismissal probation for a series of violations, including arriving late to work on several occasions, giving a ride to a discharged prisoner, leaving a juvenile unattended, failing to keep proper Activity Log entries, and failing to search a prisoner thoroughly); *Case Nos. 2009-0805 et al.*, pending before Police Comm'r on Nov. 21, 2011 (30 days and probation for failure to document activity and complete assignments, courtesy toward civilians, and telling a supervisor, "Why are you babysitting me?," "I am not out there on patrol with my thumb up my ass," and "That is the way I fucking talk and if you don't like it, then that is tough.").

Respectfully submitted,



David S. Weisel

Assistant Deputy Commissioner Trials

APPROVED
DEC 14 2012

RAYMOND W. KELLY
POLICE COMMISSIONER

POLICE DEPARTMENT
CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER SCOTT LONGMAID
TAX REGISTRY NO. 931792
DISCIPLINARY CASE NO. 2010-2347

In 2010, Respondent received an overall rating of 3.0 "Competent" on his annual performance evaluation. He was rated 4.0 "Highly Competent" in 2008 and 3.5 "Highly Competent/Competent" in 2009. In his nine years of service, [REDACTED]

[REDACTED] He has no prior formal disciplinary record.

For your consideration.



David S. Weisel
Assistant Deputy Commissioner – Trials